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In re Application of ITO et al
U.S. Application No.: 10/030,508
Int. Application No.: PCT/JP00/04659
Int. Filing Date: 12 July 2000
Priority Date: 15 July 1999
Attorney Docket No.: 576PO44
For: WATER LEAKAGE PREVENTIVE AGENT,
WATER LEAKAGE PREVENTIVE
MATERIAL MADE WITH THE SAME, AND
METHOD OF PREVENTING WATER
LEAKAGE

DECISION

This is in response to the papers filed 09 January 2002, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 12 July 2000, applicant filed international application PCT/JP00/04659, which claimed priority of an earlier Japan application filed 15 July 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 25 January 2001. A Demand for international preliminary examination, in which the United States was elected, was filed on 20 December 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 15 January 2002.

On 09 January 2002, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and a declaration executed by seven of the eight inventors and also executed by the sole heir of inventor Yuji Yamauchi, who according to the declaration is deceased.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

In the present case, the declaration filed 09 January 2002 is signed by the sole heir of deceased inventor Yuji Yamauchi.

The submission of the declaration executed by the sole heir of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed and that no legal representative is required by the applicable law to be appointed. If this interpretation is incorrect applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

CONCLUSION

For the reasons above, the papers filed 09 January 2002 are ACCEPTED under 37 CFR 1.42.

The application has an International Filing Date of 12 July 2000 and a date under 35 U.S.C. 371 of 09 January 2002.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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